

EXHIBIT D

Transcript of the Testimony of
Renee Sommers

Date:

November 09, 2020

Case:

MKW RECRUITING vs EVAN P. JOWERS

Renee Sommers

November 09, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MKW RECRUITING, INC.)
)
PLAINTIFF,)
) CIVIL ACTION
VS.) NO.: 1:18-cv-00444
)
EVAN P. JOWERS, YULIYA)
VINKUROVA, ALEJANDRO VARGAS,)
and LEGIS VENTURES (HK))
COMPANY LIMITED, (a/k/a)
Jowers/Vargas))
)
DEFENDANTS.)
)
_____)
EVAN P. JOWERS)
COUNTERCLAIMANT)
VS.)
MWK RECRUITING, INC., ROBERT)
KINNEY, MICHELLE W. KINNEY,)
KINNEY RECRUITING PARTNERS)
GP, INC., KINNEY RECRUITING)
LLC, COUNSEL UNLIMITED LLC,)
AND KINNEY RECRUITING)
LIMITED)
DEFENDANTS)

ORAL AND VIDEOTAPED DEPOSITION OF
RENEE SOMMERS
NOVEMBER 9, 2020

ORAL AND VIDEOTAPED DEPOSITION OF RENEE SOMMERS, produced
as a witness at the instance of EVAN P. JOWERS, and duly sworn,
was taken in the above-styled and numbered cause on the 9th day

1 of November, 2020, from 12:18 p.m. to 6:10 p.m., via Zoom
2 before Tierney Burgett, CSR in and for the State of Texas,
3 reported by machine shorthand, pursuant to Notice and the
4 Federal Rules of Civil Procedure and the provisions stated on
5 the record or attached hereto.

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A P P E A R A N C E S

FOR MWK RECRUITING, INC., ROBERT KINNEY, MICHELLE W. KINNEY,
KINNEY RECRUITING PARTNERS GP, INC., KINNEY RECRUITING LLC,
COUNSEL UNLIMITED LLC, AND KINNEY RECRUITING LIMITED:

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FOR EVAN P. JOWERS:

ROBERT TAULER and ROBERT E. KOHN
TAULER SMITH, LLP
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Los Angeles, California 90017
213.927.9270
e-mail: r.tauler@taulersmith.com

ALSO PRESENT:

Zach Sherman, monitor
Manuel Martin, videographer

1 and --

2 Q. On a scale of one to four.

3 A. No.

4 Q. So I guess we're confusing with double negatives, so
5 I'll just, for the record, is it true that you did not look?

6 MR. KINNEY: Objection; vague. Did not look
7 for what?

8 MR. TAULER: Thank you, Mr. Kinney.

9 Q. Is it true that you did not look through the
10 QuickBooks file on your home computer in response to the
11 deposition subpoena served on you?

12 MR. KINNEY: That mischaracterizes her prior
13 testimony.

14 MR. TAULER: It's a question, Mr. Kinney.
15 Please stop with the coaching.

16 Q. You can answer.

17 A. No, I did not look.

18 Q. Okay.

19 Now you mentioned some DropBox folders. Can you
20 explain to me what those are?

21 A. DropBox folder holds information.

22 Q. What information?

23 A. That Robert Kinney had for his companies.

24 Q. And what is that information?

25 A. It just holds the QuickBooks files and anything that

1 Q. Is it common for a CPA not to keep any files
2 regarding their clients in their possession?

3 A. I'm just the contractor. They're his files. I only
4 keep track of his DropBox.

5 Q. Aren't you required to retain copies of tax returns
6 and so forth?

7 A. I have copies of the tax returns.

8 Q. Well, that's not what this sentence says.
9 Where are those copies retained?

10 A. They're on -- I do have copies of tax returns on my
11 computer.

12 Q. On your -- so there's a separate file on your
13 computer outside of DropBox where you maintain a copy of the
14 these files, correct?

15 A. Not these files, not anything related to the
16 entities, except for taxes.

17 Q. So tax files are in a different folder on your
18 desktop, that you retained on your desktop, correct?

19 A. Yes.

20 Q. And that's the only file you have related to Kinney
21 that you keep on your home computer?

22 A. Yes.

23 Q. Now, you say in your personal possession. What do
24 you mean? Are you drawing a distinction there between yourself
25 and let's say Renee Sommers, Inc.?

Renee Sommers

November 09, 2020
Page 144

1 A. What do you mean? I don't physically have anything
2 in my possession.

3 Q. Well, you're aware of a company called Renee E.
4 Sommers, LLC?

5 A. No.

6 Q. Renee Sommers, LLC?

7 A. Renee F. Sommers, LLC?

8 Q. Yes.

9 A. Yes.

10 Q. Okay.

11 Sommers Accounting, LLC?

12 A. That doesn't exist.

13 Q. It used to exist?

14 A. Yes.

15 Q. All right.

16 And what still exists is Renee F. Sommers, LLC,
17 right?

18 A. Yes.

19 Q. And so you'll agree that when you say you don't have
20 it in your personal possession, your personal documents that
21 belong to Renee F. Sommers, LLC are in your personal
22 possession, correct?

23 A. Correct.

24 Q. Because you're the only member of that organization,
25 correct?

Renee Sommers

November 09, 2020
Page 145

1 A. Yes.

2 Q. Does that entity maintain any documents with respect
3 to the Kinney entities?

4 A. Just the tax returns.

5 Q. So aren't there documents that in case there were an
6 audit that you were required to keep by law?

7 A. I have access to everything that I would need
8 through the DropBox.

9 Q. Other than the DropBox there is no way you can find
10 the documents to back up an audit of any of the Kinney
11 entities?

12 A. I just said I have a tax file.

13 Q. So the tax files, you said it has tax returns; now
14 you're saying that it has something else?

15 MR. KINNEY: Objection; form.
16 Mischaracterizes her statement.

17 Q. What else is in the tax file?

18 A. Income statement, balance sheet.

19 Q. And did you use -- you created those documents using
20 QuickBooks, correct?

21 A. Correct.

22 Q. And that software is also on your home computer,
23 correct?

24 A. Yes.

25 Q. Don't you also need this document to support data

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, Tierney Burgett, a Certified Shorthand Reporter in and
4 for the State of Texas, County of Dallas, certify that the
5 foregoing deposition of RENEE SOMMERS was reported
6 stenographically by me at the time and place indicated, said
7 witness having been placed under oath by me, and that the
8 deposition is a true record of the testimony given by the
9 witness.

10 Review was requested by the deponent or a party before
11 completion of the deposition.

12 I further certify that I am neither counsel for nor
13 related to any party in this cause and am not financially
14 interested in its outcome.

15 Given under my hand on this the ____ day of _____,
16 2020.

17 

18 Tierney Burgett
19 CSR 588

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Commission Expiration Date: 6/30/2021
Original deposition sent to Robert E. Kinney on
.